

THURSDAY, APRIL 23, 1998

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 749:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 1016:** Rep(s). Fitzhugh as prime sponsor(s).

**House Bill No. 1694:** Rep(s). Cross, Mumpower, Windle, Hassell and Godsey as prime sponsor(s).

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**House Bill No. 2343:** Rep(s). Kerr, Walker(Blount) as prime sponsor(s).

**House Bill No. 2499:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 2607:** Rep(s). Davis, Patton, Godsey, Walker(Blount), Wood, Scroggs, Sharp, Mumpower, Hargett, Pleasant, Dunn, Sargent and Ford as prime sponsor(s).

**House Bill No. 2948:** Rep(s). Eckles and Halteman Harwell as prime sponsor(s).

**House Bill No. 2949:** Rep(s). Godsey, Ford, Patton, Givens, Cross, Winningham, Ridgeway, Buck, Bittle, Boyer, Davis, Sands, Walker(Rhea), Stamps, McKee, Walker(Blount), Wood, Scroggs, Sargent, Sharp, Dunn, Stulce, Phelan, McDonald, McAfee, Hargett, Pleasant, Goins and Mumpower as prime sponsor(s).

**House Bill No. 3000:** Rep(s). Pruitt, Roach, Buck, Hargett, Hood, Davis, Sargent, and Dunn as prime sponsor(s).

**House Bill No. 3082:** Rep(s). Godsey and Mumpower as prime sponsor(s).

**House Bill No. 3135:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 3177:** Rep(s). McDonald, Kent, Cole(Carter), Miller, Langster, Patton, Ford, McKee, Godsey, Boyer, Stulce, Halteman Harwell, Cooper and Bittle as prime sponsor(s).

**House Bill No. 3226:** Rep(s). Kent as first prime sponsor(s).

**House Bill No. 3305:** Rep(s). Hargett and Pleasant as prime sponsor(s).

**House Bill No. 3326:** Rep(s). Ferguson as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Cooper was/were removed as sponsor(s) of **House Bill No. 2178**.

On motion, Rep(s). Pleasant, Hargett and Walker(Blount) was/were removed as sponsor(s) of **House Bill No. 3135**.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 740; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.



**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2716; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2626; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 379, 389, 405, 612, 613, 614, 615, 616, 617, 618, 620, 622, 623, 624, 626, 628, 629, 630, 631, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 648, 650, 651, 652, 653, 654, 661, 691 and 692; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2076, 2096, 2183, 2184, 2185, 2186, 2244, 2453, 2732, 2733, 2867, 2957, 3001, 3009, 3392, 3402, 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2166, 2423, 3163 and 3164; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 593, 677, 685, 696, 698, 700, 701, 702, 703, 705, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 720, 721, 722, 723, 724, 725 and 733; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3237; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3176; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3307; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1550, 2988 and 3296; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2428; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**  
**April 24, 1998**

The Speaker signed the following: Senate Bill(s) No(s). 2061, 2103, 2109, 2110, 2111, 2606, 2894, 2927, 3090 and 3156; also, Senate Joint Resolution(s) No(s). 503.

**MESSAGE FROM THE SENATE**  
**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2803; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3436** -- Madison County - Subject to local approval, makes juvenile court clerk the clerk for all probate matters before general sessions court. Amends Chapter 50 of the Private Acts of 1941, as amended, by \*Kisber, \*McDaniel.

**House Bill No. 3437** -- Jackson - Subject to local approval, redefines "person" to include governmental unit in city of Jackson/Madison County hotel motel tax. Amends Chapter 324 of the Private Acts of 1980, by \*Kisber, \*McDaniel.

**House Bill No. 3439** -- East Ridge - Subject to local approval, authorizes sale at retail of D.O.T. Class C common fireworks; applies provisions of TCA Title 68, Chapter 104, Part 1 to sale of fireworks. by \*Sharp, \*McAfee, \*Wood, \*Stulce, \*Turner (Hamilton), \*Brown.

**House Bill No. 3440** -- Kenton - Subject to local approval, revises the term of office of mayor, aldermen, and city judge from two to four years. Amends Chapter 87 of the Private Acts of 1981, by \*Pinion, \*Phelan.

**House Bill No. 3441** -- Kenton - Subject to local approval, redefines "qualified voter" to include persons who own not less than one-half interest in taxable real estate. Amends Chapter 87 of the Private Acts of 1981, by \*Pinion, \*Phelan.

**\*House Bill No. 3442** -- Taxes, Sales - Revises when certain sales tax revenues to be distributed to municipality with sports authority and a major league professional athletic team. Amends TCA Section 67-6-103(d), by \*Kent.

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**House Bill No. 3443** -- Bethel Springs - Subject to local approval, establishes new charter. Repeals Chapter 793 of the Private Acts of 1927. by \*Rinks.

**House Bill No. 3444** -- Election Laws - Permits chair of minority political party to break tie vote if minority party representatives on Greene County election commission cannot select voting machine technician. by \*Davis R.

**House Bill No. 3445** -- Dickson - Subject to local approval, creates "Water and Wastewater Authority of Greater Dickson." Repeals Chapter 84 of the Private Acts of 1997. by \*Jackson.

**House Bill No. 3446** -- Jackson - Permits widows or widowers, instead of only unremarried widows, to collect percentage of deceased spouses' pension benefits under superseded fire and police department, water and administrative department, health and sanitation department and street maintenance department pension plans. Amends Chapter 150 of the Private Acts of 1943, as amended. by \*Kisber, \*McDaniel.

**House Bill No. 3448** -- Municipal Government - Permits Spring Hill to provide by ordinance for election of mayor to two year term and election of aldermen to staggered four year terms. Amends TCA Title 6, Chapter 3. by \*Sands.

### **DELAYED BILLS REFERRED April 23, 1998**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3449, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 3449** -- Natural Disaster - Authorizes municipality or county, following natural disaster, to have access to and to spend public funds to assist in cleaning debris and trees from residential property, upon request of owner; applies to persons who qualify for property tax relief; municipality or county to adopt plan for providing such assistance. by \*Boner.

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3427** -- Grundy County -- Local Bill Held on House Desk

**House Bill No. 3428** -- Scott County -- Local Bill Held on House Desk

**House Bill No. 3429** -- Greene County -- Local Bill Held on House Desk

**House Bill No. 3430** -- Parsons -- Local Bill Held on House Desk

**House Bill No. 3431** -- Madison County -- Local Bill Held on House Desk

**House Bill No. 3433** -- Gibson County -- Local Bill Held on House Desk

**House Bill No. 3434** -- Dickson -- Local Bill Held on House Desk

House Bill No. 3435 -- Dickson -- Local Bill Held on House Desk

## REPORTS FROM STANDING COMMITTEES

The committees that met after session on **April 22, 1998**, reported the following:

### EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 3266. Under the rules, each was transmitted to the Calendar and Rules Committee.

### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2212, 2719, 1381, 2410, 3111, 2523, 2756, 2432, 3295, 2493, 3000, 3244, 3190, House Joint Resolution(s) No(s). 747 and 741, also House Bill(s) No(s). 2291, 2948, 3166, 2812, 1320, 2942, 2806, 3363, 2949, 3050, 2418 and House Joint Resolution(s) No(s). 730 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 23, 1998**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 23, 1998**: House Bill(s) No(s). 2949 and 3000.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 27, 1998**: House Bill(s) No(s). 2361, 2493, 2736, 3147, 3181, 2629, 2314, 3189, 3043, 2347, 645, 2291, 2719, 3166, 2812, 1381, 1320, 2942, 2410, 3111, 2523, 2756, 2432, 3295, 3050, 2418, 3244 and 3190.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 29, 1998**: House Bill(s) No(s). 2806.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 1998**: House Joint Resolution(s) No(s). 741.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 27, 1998**: House Bill(s) No(s). 3231, 3197, 1032, 1355, 2981, 3148, 3149, 3395, 2212, 3266, 3363, House Joint Resolution(s) No(s). 699, 719, 734, 747, 730, Senate Joint Resolution(s) No(s). 521 and 571.

CONSENT CALENDAR

**\*Senate Joint Resolution No. 565** -- Highway Signs - "J.H. Haggard, Sr. Memorial Bridge," Green River on U.S. 64, Wayne County. by \*Wilder.

**\*House Joint Resolution No. 692** -- General Assembly, Directed Studies - Urges department of transportation to study feasibility of improving S.R. 72 in Monroe, Loudon and Roane counties. by \*Ferguson, \*Gunnels.

**\*House Joint Resolution No. 694** -- Highway Signs - "Gilliam-Green-Robbins Memorial Bridge," U.S. 45E and S.R. 22, Weakley County. by \*Maddox.

**House Bill No. 2755** -- Hamilton County - Subject to local approval, permits chancellors and clerk and master to establish timing and method of case assignment rather than monthly assignment process. Amends Chapter 201 of the Public Acts of 1955. by \*Turner (Hamilton). (\*SB3063 by \*Crutchfield)

On motion, House Bill No. 2755 was made to conform with **Senate Bill No. 3063**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1694** -- Criminal Procedure - Denies bail for 24 hour period for domestic violence offenders; requires such offender to remain in jail. Amends TCA Title 40, Chapter 11, Part 1. by \*Ferguson, \*Halteman Harwell, \*DeBerry L, \*Beavers, \*Eckles, \*Bowers, \*Jones, S.. (\*SB1777 by \*Davis L)

**House Bill No. 3046** -- Taxes - Requires standard exemption amount allowable for gifts to Class A donees to increase each year by same amount, if any, that federal annual exclusion amount for gifts increases. Amends TCA Title 67, Chapter 8, Parts 1, 3 and 4 and Section 67-8-104. by \*Maddox. (\*SB2596 by \*Herron, \*McNally, \*Graves, \*Herron, \*Gilbert, \*Miller J, \*Burks)

On motion, House Bill No. 3046 was made to conform with **Senate Bill No. 2596**; the Senate Bill was substituted for the House Bill.

**House Joint Resolution No. 651** -- Naming and Designating - "Minority Health Awareness Month," August 1998. by \*Miller L, \*Armstrong, \*Jones U (Shelby), \*Cooper B, \*Towns, \*Caldwell, \*Eckles, \*Ford S, \*Ferguson, \*Turner (Shelby), \*Brown, \*Turner (Hamilton), \*Hargett, \*Williams (Williamson), \*Bird, \*Patton, \*Langster, \*Bowers, \*Arriola, \*Windle, \*Jones, S., \*Cross, \*Odom, \*Brooks, \*DeBerry J, \*DeBerry L, \*Pruitt, \*Walley, \*McDaniel.

**House Bill No. 3426** -- Somerville - Subject to local approval, rewrites charter - Repeals Chapter 409 of Acts of 1901, as amended. by \*Naifeh, \*Walley. (SB3401 by \*Wilder)

**House Bill No. 3425** -- Bluff City - Subject to local approval, revises charter relative to date of town general elections. Amends Chapter 24, Private Acts of 1997. by \*Godsey. (SB3418 by \*Ramsey)

**House Bill No. 3424** -- Cannon County - Subject to local approval, enacts "Cannon County Mobile Home Park Regulations.". by \*Buck. (SB3424 by \*Burks)

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**House Bill No. 3420** -- Milan - Subject to local approval, revises charter. Amends Chapter 458 of the Acts of 1901, as amended. by \*Pinion, \*Phelan. (SB3412 by \*Carter)

**House Resolution No. 196** -- Memorials, Interns - Karana Marie Sturdivant. by \*Arriola, \*Langster, \*Caldwell, \*Jones, S., \*Pruitt, \*McDonald.

**House Resolution No. 197** -- Memorials, Interns - Elizabeth Rebecca Hunley. by \*Buck, \*Jackson, \*McMillan, \*Sands, \*Ritchie, \*Brooks, \*Armstrong, \*Boyer, \*Stamps, \*Scroggs, \*Newton, \*Westmoreland.

**House Resolution No. 198** -- Memorials, Interns - Melanie Ann Waddle. by \*Buck, \*Jackson, \*McMillan, \*Sands, \*Ritchie, \*Brooks, \*Armstrong, \*Boyer, \*Stamps, \*Scroggs, \*Newton, \*Westmoreland.

**House Joint Resolution No. 737** -- Memorials, Academic Achievement - Linda Farmer, 1998 Mid-South Spelling Bee winner. by \*Maddox.

**House Joint Resolution No. 742** -- Memorials, Personal Achievement - Jonathan Kasper, Eagle Scout. by \*Hargett.

**House Joint Resolution No. 743** -- Memorials, Professional Achievement - ICI Acrylics of North America. by \*Haley.

**House Joint Resolution No. 748** -- Memorials, Personal Occasion - Mr. and Mrs. John P. Simpson, 50th Wedding Anniversary. by \*Pleasant, \*Haley.

**House Joint Resolution No. 749** -- Memorials, Interns - James Taylor Shotwell, III. by \*Scroggs, \*Haley, \*Pleasant.

**House Joint Resolution No. 750** -- Memorials, Professional Achievement - Jacques Scarbrough, 1996-1997 Humanities Outreach "Teacher of the Year." by \*Stamps.

**House Joint Resolution No. 751** -- Memorials, Interns - Deborah A. Josephs. by \*Kernell.

**House Joint Resolution No. 752** -- Memorials, Interns - Greer Grissom. by \*Cross, \*Odom, \*Brown.

**House Joint Resolution No. 754** -- Memorials, Interns - Nwabundo Ume-Nwagbo. by \*Mumpower, \*Hicks, \*Godsey, \*Gunnels.

**House Joint Resolution No. 755** -- Memorials, Professional Achievement - Mary Irby, American Farm Bureau Federation Discussion Meet winner. by \*Hood, \*Eckles, \*Sands.

**House Joint Resolution No. 756** -- Memorials, Academic Achievement - Orchard Knob Elementary School. by \*Brown.

**House Joint Resolution No. 758** -- Memorials, Professional Achievement - Business Journal, 10th Anniversary. by \*Mumpower, \*Godsey, \*Westmoreland, \*Givens, \*Cole (Carter), \*Patton, \*Hicks, \*Whitson.

**House Joint Resolution No. 759** -- Memorials, Death - Carles Jasper Godsey, Jr. by \*Mumpower, \*Godsey, \*Westmoreland, \*Cole (Carter).

**House Joint Resolution No. 760** -- Memorials, Recognition and Thanks - Exchange students from Germany to Houston High School. by \*Scroggs.

**House Joint Resolution No. 761** -- Memorials, Personal Occasion - Kent Logan Starwalt, birth. by \*Cole (Dyer).

**House Joint Resolution No. 762** -- Memorials, Personal Achievement - Courtney Stinson, 1998 Mule Day Queen. by \*Sands.

**\*House Joint Resolution No. 741** -- General Assembly, Directed Studies - Directs departments of health and mental health and mental retardation to study feasibility of operating and administering pilot programs which provide funding supplements for licensed supportive living facilities for mentally ill and for licensed residential homes for aged. by \*Pruitt, \*Caldwell, \*Walley, \*Patton, \*DeBerry J., \*Eckles, \*Hargett, \*Jones, S., \*Turner (Hamilton), \*Arriola, \*Ferguson, \*McDaniel, \*DeBerry L., \*Odom, \*Armstrong, \*Walker (Blount), \*Bird.

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 694:** by Rep. Maddox

**House Bill No. 1694:** by Rep. Jackson and Sands

Under the rules, House Bill No.1694 and House Joint Resolution No. 694 was/were placed at the foot of the calendar for April 27, 1998.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley,



West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 3135** -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by \*Rhinehart, \*Walker (Rhea), \*Pleasant, \*Hargett, \*Newton, \*Haley, \*Walker (Blount), \*Bowers, \*Wood, \*Sharp, \*Patton, \*Ford S. (SB3279 by \*Rochelle, \*Elsa)

Further consideration of House Bill No. 3135 previously considered on March 9, 1998, March 11, 1998, April 7, 1998, April 9, 1998, and April 16, 1998, and reset to today's Calendar.

On motion, House Bill No. 3135 was made to conform with **Senate Bill No. 3279**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 3279 be passed on third and final consideration.

Rep. Odom requested that Amendment 1 be moved to the heel of the Amendments.

Rep. Odom moved adoption of Amendment No. 2 as follows:

### Amendment No. 2

AMEND Senate Bill No. 3279 by deleting the language "sixty (60) days" from the amendatory language in Section 1 wherever it appears and by substituting instead the language "twelve (12) months".

AND FURTHER AMEND by adding the following language as a new subsection (c) at the end of the amendatory language of Section 1:

(c) Such contract provisions assuring continuity of care shall require that the health care provider who, in accordance with subsections (a) or (b), continues to provide the health care during such periods established in subsections (a) or (b) must agree to accept the same reimbursement fee schedule applicable to in-network health care providers. The same co-payments and deductibles which apply to in-network health care providers shall apply to health care received pursuant to the provisions of this section.

Rep. Rhinehart moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes.....	42
Noes .....	50
Present and not voting .....	1

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Representatives voting aye were: Bittle, Bowers, Boyer, Burchett, Churney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry L., Ford, Godsey, Goins, Gunnels, Hargrove, Hicks, Huskey, Kent, Kisber, McAfee, McDaniel, McDonald, McKee, Mumpower, Patton, Phelan, Phillips, Rhinehart, Rinks, Roach, Sargent, Sharp, Stulce, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, Williams, Wood, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Armstrong, Arriola, Beavers, Bird, Bone, Brooks, Brown, Buck, Caldwell, Cooper, Cross, Dunn, Eckles, Ferguson, Fitzhugh, Fraley, Givens, Haley, Halteman-Harwell, Hargett, Hassell, Hood, Jackson, Jones S., Jones U., Kernell, Kerr, Langster, Lewis, Maddox, McMillan, Miller, Odom, Pinion, Pleasant, Pruitt, Ritchie, Robinson, Sands, Scroggs, Tidwell, Tindell, Towns, Turner (Shelby), West, Westmoreland, White, Whitson, Windle, Winningham -- 50.

Representatives present and not voting were: Fowlkes -- 1.

Rep. Rhinehart moved that Senate Bill No. 3279 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

**House Bill No. 2150** -- Sunset Laws - State certification program, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 5. by \*Kernell, \*Garrett, \*Brooks. (\*SB2120 by \*Springer)

Further consideration of House Bill No. 2150 previously considered on April 16, 1998, and reset to today's Calendar.

Rep. Kernell moved that House Bill No(s). 2150 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

**House Bill No. 1832** -- Pensions and Retirement Benefits - Authorizes state insurance committee to use state portion of premium for supplemental health insurance for retirees to cover programs that provide benefits in addition to Medicare Parts A and B, including prescription drugs. Amends TCA Title 8. by \*Rinks, \*Rhinehart. (\*SB1798 by \*Herron, \*Atchley)

Rep. Rhinehart moved that House Bill No. 1832 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions & Insurance Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1832 by deleting Sections 1 and 2 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-27-201(a)(5), is amended by deleting from its first sentence the words and punctuation: "The

provisions of Title 56, not to the contrary" and substituting in lieu thereof: "Notwithstanding the provisions of Title 56 to the contrary".

SECTION 2. Tennessee Code Annotated, Section 8-27-207(j), is amended by deleting from its first sentence the words and punctuation: "The provisions of Title 56, not to the contrary" and substituting in lieu thereof: "Notwithstanding the provisions of Title 56 to the contrary".

SECTION 3. Tennessee Code Annotated, Section 8-27-301(c), is amended by deleting from its first sentence the words and punctuation: "The provisions of Title 56, not to the contrary" and substituting in lieu thereof: "Notwithstanding the provisions of Title 56 to the contrary".

AND FURTHER AMEND by renumbering Section 3 accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 1832**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2777** -- Taxes, Litigation - Imposes additional \$1.00 privilege tax on each criminal case involving taking of fingerprints. Amends TCA Title 67, Chapter 4. by \*Buck. (\*SB3049 by \*Person)

On motion, House Bill No. 2777 was made to conform with **Senate Bill No. 3049**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 3049 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Buck moved that **Senate Bill No. 3049** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 2854** -- Liens - Removes right to lien if garagekeeper fails to notify rental company within 24 hours of towing vehicle; further trier of fact may infer that garagekeeper has committed offense of theft if fails to notify rental company. Amends TCA Title 55, Chapter 16, Part 1 and Title 66, Chapter 19, Part 1. by \*Arriola. (\*SB2791 by \*Burks)

Further consideration of House Bill No. 2854 previously considered on March 2, 1998 and March 10, 1998, at which time Amendment No. 1 was withdrawn. The bill was also considered on March 18, 1998, and reset to today's Calendar.

Rep. Arriola moved that House Bill No. 2854 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as House Amendment No. 2 as follows:

#### **Amendment No. 2**

AMEND House Bill No. 2854 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 66-19-103(a), is amended by deleting the last sentence in its entirety, by designating the existing language of the subsection as subdivision (1) and by adding the following language at the end of the new subdivision (1):

If the motor vehicle, including any associated rental equipment, clearly identifies the rental company and the rental company is on the central notice list for such rental companies maintained by the commissioner of commerce and insurance, then the garagekeeper or

towing firm shall notify the rental company at the address on the list maintained by the commissioner within twenty-four (24) hours of taking possession of such vehicle or equipment by registered mail return receipt requested. If the rental company is not on the central notice list maintained by the commissioner, then the garagekeeper or towing firm shall notify the rental company at the last known address available to the garagekeeper or towing firm or based on information on or with the rental vehicle, if any.

Section 2. Tennessee Code Annotated, Section 66-19-103(a), is amended by adding the following as new subdivision (2), (3) and (4):

(2) The commissioner of commerce and insurance or the commissioner's designee shall:

(A) Impose a penalty of thirty-five dollars (\$35) per day on a garagekeeper or towing firm for failing to comply with the notification requirements of subdivision (1); and

(B) Notify the commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract that the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

(3) The rental company may recover damages for any harm to the vehicles or equipment that occur in towing or storage.

(4) All moneys collected pursuant to subdivision (2) shall be deposited in the general fund for the benefit of the Tennessee motor vehicle commission.

Section 3. Tennessee Code Annotated, Title 55, Chapter 16, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. Any person providing garagekeeper's or towing services shall register with the department of commerce and insurance. The commissioner of commerce and insurance shall by rule set a registration fee and an annual renewal fee. The registration and annual renewals shall indicate the person's places of business and identify all vehicles used in towing by such garagekeeper or towing firm. Rental companies for motor vehicles and associated equipment may file an address with the commissioner to which the notice required by Section 66-19-103 may be sent. The commissioner shall maintain a list of such rental companies and distribute such list annually to all persons registering under this section. Failure to register under this section when required to do so shall subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) and the commissioner shall notify the

commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract which the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

Section 4. The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this act in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

Section 5. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. Arriola moved to amend as follows:

**Amendment No. 1 to Amendment No. 2**

AMEND House Bill No. 2854 In first sentence of the amendatory language of Section 3 by deleting the language "providing garagekeeper's or towing services" and by substituting instead the language "who tows and stores vehicles for a fee".

AND FURTHER AMEND in the amendatory language of Section 3 by deleting the second and third sentences in its entirety and by substituting instead the following: "The commissioner of commerce and insurance shall charge a biannual registration and/or renewal fee of thirty-five dollars (\$35.00). The registration and biannual renewals shall indicate the person's places of business and identify all vehicles used in towing by such towing firm."

On motion Amendment No. 1 to Amendment No. 2 was adopted.

On motion Amendment No. 2, as amended, was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2854 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply to new or used motor vehicle dealers licensed under Tennessee Code Annotated, Section 55-17-101, et seq.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 2854 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 66-19-103(a), is amended by deleting the last sentence in its entirety, by designating the existing language of the subsection as subdivision (1) and by adding the following language at the end of the new subdivision (1):

If the motor vehicle, including any associated rental equipment, clearly identifies the rental company and a garagekeeper or towing firm lawfully comes into possession of the vehicle and any associated equipment, then the garagekeeper or towing firm shall notify the rental company at the address identified on the vehicle or associated equipment within three (3) working days of taking possession of such vehicle or equipment by registered mail return receipt requested.

Section 2. Tennessee Code Annotated, Section 66-19-103(a), is amended by adding the following as new subdivisions (2), (3) and (4):

(2) The commissioner of commerce and insurance or the commissioner's designee shall notify the commissioner of safety of violations of subdivision (1). Upon receiving such notice, the commissioner of safety shall suspend any contract that the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days or notify the appropriate authority to suspend all such contracts with the state.

In addition to any other penalty provided for violation of this section, a violation of subdivision (a)(1) shall also be a violation of Title 47, Chapter 18, Part 1, and the rental company may seek relief under such statute.

A garagekeeper or towing firm may not collect any storage or related fees for any period of time in which the garagekeeper or towing firm was in violation of subdivision (1) with respect to a motor vehicle or associated equipment.

Section 3. The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this act in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

Section 4. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Lewis moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 2854 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Title 55, Chapter 16, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_ Notwithstanding any other provision of this part or of Title 66, Chapter 19, Part 1, in order for a garagekeeper or a towing firm to tow or to store a vehicle the garagekeeper or towing firm shall obtain an express written authorization for towing and storage of each vehicle from a law enforcement officer with appropriate jurisdiction, or from the owner of the vehicle, or from the owner of the private property from which the vehicle is to be towed. Such authorization shall include all of the information required by Section 66-19-103(d). In addition to any other penalty provided by this part or by Title 66, Chapter 19, Part 1, violation of the provisions of this section is a Class C misdemeanor.

On motion, Amendment No. 5 was adopted.

Rep. Arriola moved that **House Bill No. 2854**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2607** -- Taxes, Income - Exempts education and Roth IRAs from Hall Income Tax. Amends TCA Title 67, Chapter 2. by \*McDaniel. (\*SB2199 by \*Fowler)

Rep. McDaniel moved that House Bill No. 2607 be passed on third and final consideration.

Rep. Ritchie moved that Amendment No. 1 be withdrawn, which motion prevailed.



Rep. McDaniel moved that **House Bill No. 2607** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2299** -- Child Abuse - Establishes certain minimum requirements for child advocacy centers to qualify for receipt of state funding. Amends TCA Title 9, Chapter 6, Part 1. by \*DeBerry L, \*Chumney. (\*SB2343 by \*Dixon)

Rep. L. DeBerry moved that House Bill No. 2299 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2299 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 6 Part 1, is amended by adding the following language as a new appropriately designated section.

(a) Except as otherwise provided in subsection (b), on and after July 1, 1998, no state funds appropriated specifically for child advocacy centers shall be allocated or paid to any such center unless the center clearly demonstrates that it:

(1) is a non-profit corporation which has received a determination of exemption from the internal revenue service under 26 United States Code § 501(c)(3);

(2) employs an executive director who is answerable to the board of directors and who is not the exclusive salaried employee of any governmental entity signing the memorandum of understanding and working protocol identified in item (3) below;

(3) has a signed memorandum of understanding and working protocol executed among:

(A) the department of children's services,

(B) all county and municipal law enforcement agencies within the geographical area served by the center,

(C) all district attorney offices within the geographical area served by the center, and

(D) any other governmental entity which participates in child abuse investigations or offers services to child abuse victims within the geographical area served by the center;

(4) facilitates the use of a multidisciplinary team (representing prosecution, law enforcement, mental health, medical, child protective and social services professionals and the juvenile court) which jointly:

(A) assesses victims of child abuse and their families, and

(B) determines the need for services;

(5) provides a facility, located in a neutral, child-friendly and physically separate space from the day-to-day operations of the governmental entities signing the memorandum of understanding and working protocol identified in item (3) above, at which facility the multidisciplinary team meets to coordinate the efficient and appropriate disposition of child abuse cases through the civil and criminal justice systems;

(6) provides for the provision of needed services, referral to such services, and case tracking; and

(7) has written policies and procedures consistent with standards established by the national network of children's advocacy centers.

(b) On and after July 1, 1998, no state funds appropriated specifically for one-time, start-up assistance for new child advocacy centers shall be allocated or paid to any such center unless the center clearly demonstrates that it:

(1) has a signed memorandum of understanding and working protocol executed among:

(A) the department of children's services,

(B) all county and municipal law enforcement agencies within the area served by the center,

(C) all district attorney offices within the area served by the center, and

(D) any other governmental entity which participates in child abuse investigations or offers services to child abuse victims within the area served by the center; and

(2) has formally filed application for a determination of exemption from the internal revenue service under 26 United States Code § 501(c)(3).

After receiving any such start-up assistance, no additional state funds appropriated specifically for child advocacy centers shall be allocated or paid to such center unless the center clearly demonstrates that it complies with the enumerated requirements set forth in subsection (a) above.

(c) Notwithstanding any other provision of this act to the contrary, the department of children's services or any other department administering state funds specially appropriated for child advocacy centers shall continue to allocate and/or pay such funds to existing child advocacy centers with active applications on file with the department if such centers demonstrate satisfactory progress in efforts to achieve compliance with the provisions of this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

On motion, Amendment No. 1 was adopted.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2299 by adding the following new subdivision (8) to the amendatory language of subsection (a) of Section 1 of Amendment Number 1:

(8) agrees to accurately collect and report key outcome data and information relative to each center's operations to the Tennessee Chapter of Children's Advocacy Centers. Such data and information shall be compiled by the Tennessee Chapter of Children's Advocacy Centers and shall be reported annually to the chairpersons of the Senate Judiciary Committee, the House of Representatives Children and Family Affairs Committee, and the Select Committee on Children and Youth. The data and information collected pursuant to this act shall include, at a minimum, the following:

number and demographic profiles of cases served by age, gender, race, type of abuse and treatment thereof, including mental health and medical services rendered;

demographic profiles of perpetrators of abuse by age, gender, race, relationship to victim, and the outcome of any legal action taken against such perpetrators;

the nature of services and support provided by or through the center; and

data and information relative to community investment in and community support of the center.

On motion, Amendment No. 2 was adopted.

Rep. L. DeBerry moved that **House Bill No. 2299**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 3082** -- Drug and Alcohol Rehabilitation - Requires approval of a county legislative body before health facilities commission may consider certificate of need application for new methadone treatment facility. Amends TCA Title 68, Chapter 11. by \*Arriola, \*Westmoreland. (SB3259 by \*Ramsey)

On motion, House Bill No. 3082 was moved down 5 places on the Calendar.

**\*House Joint Resolution No. 319** -- Memorials, Government Officials - Urges department of human services to articulate welfare rights and responsibilities to Families First applicants and customers. by \*Armstrong.

Rep. Armstrong moved adoption of House Joint Resolution No. 319.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 319 By deleting the fifth and sixth resolving clauses in their entireties.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of **House Joint Resolution No. 319**, as amended, which motion prevailed.

**\*House Bill No. 2499** -- General Assembly, Directed Studies - Directs board of examiners in psychology to study special issues related to reciprocity in licensing psychologists from states bordering Tennessee. Amends TCA Title 63, Chapter 11. by \*DeBerry L, \*Armstrong, \*Bowers. (SB2835 by \*Ford J)

On motion, House Bill No. 2499 was made to conform with **Senate Bill No. 2835**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 2835 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

Rep. L. DeBerry moved that **Senate Bill No. 2835** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

**THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2784** -- Adoption - Establishes advance notice procedures for adoption contact veto registry. Amends TCA Title 36, Chapter 1. by \*Chumney. (\*SB3073 by \*Fowler)

Rep. Chumney moved that House Bill No. 2784 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2784 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding the following as a new part to be appropriately designated:

Section 1. The object of this part is to establish an advance notice system which enables an eligible person to request the department to provide advance notification prior to the release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers under Tennessee Code Annotated §36-1-127(c) which has information regarding such person in order to give the person requesting advance notification the opportunity to prepare for the release and any impact this might have on the person or the person's family or associates. If the department has received such a request, it shall delay the release of the adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers to another person during the advance notice period.

Section 2. In this part,

(1) "Advance notice period" means the forty-five (45) day period from the date of mailing a notice regarding the impending release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other record or papers to a person who has requested that the department provide advance notice prior to releasing said information.

Section 3.

(a) A person is entitled to file a request to be given advance notice before any adoption record, sealed record, sealed adoption record, post-adoption record, or any other records or

papers with information regarding said person is released to another person if the person seeking to file the request is otherwise eligible to receive such information pursuant to this part.

(b) An eligible person desiring to place his/her name on the Advance Notice Registry shall notify the department in writing on a form provided by the department, provide satisfactory proof of identity, and pay any necessary fees. The department shall supply the registration form upon request.

Section 4.

(a) The department shall establish and maintain an Advance Notice Registry. Notwithstanding any other law to the contrary, the Advance Notice Registry shall not be considered part of the post-adoption record or any other record or paper subject to release under Tennessee Code Annotated, Section 36-1-127(c), and the information contained in the Advance Notice Registry shall be confidential.

(b) The Advance Notice Registry shall include, but not be limited to, the following information:

(1) the name of each person who has duly filed an advance notice request; and

(2) the address given by the person as the mailing address at which any postal contact by the department with the person should be made; and

(3) the date and place of birth of the person filing with the Advance Notice Registry; and

(4) the persons or class of persons affected by the request; and

(5) the advance notice period.

(c) A person whose name is entered in the Advance Notice Registry shall advise the department of any change in his or her address.

Section 5. The department shall announce the existence of the Registry and its service within ninety (90) days of January 1, 1999, through appropriate publicity and media coverage as may be available without cost. The department is authorized to promulgate necessary rules and regulations to facilitate the implementation of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5, Part 2.

SECTION 2. Tennessee Code Annotated, Section 36-1-141(a)(1), is amended by adding the words and punctuation "for registering requests with the Advance Notice Registry," after the words and punctuation "for registering requests for contact vetoes,".

SECTION 3. This act shall take effect as follows, the public welfare requiring it:

(a) on January 1, 1999, for the purposes of Section 5 of Section 1; and or as soon as the appropriate mechanisms are in place.

(b) on July 1, 1999, for the purpose of all remaining sections of this act.

Rep. Boyer moved a Special Order to reset House Bill No. 2784 to April 27, 1998, which motion was immediately withdrawn.

Rep. Chumney requested that House Bill No. 2784 be moved down 10 places on the Calendar.

**House Bill No. 2827** -- Municipal Government - Allows municipalities to create geographic information systems and to sell information from them to the public. Amends TCA Title 7. by \*Bowers. (\*SB3045 by \*Dixon)

On motion, House Bill No. 2827 was made to conform with **Senate Bill No. 3045**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 3045 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bowers moved that **Senate Bill No. 3045** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,



Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2343** -- Tort Liability - Adds public building authorities to Governmental Tort Liability Act. by \*Burchett. (\*SB2329 by \*Atchley)

On motion, House Bill No. 2343 was made to conform with **Senate Bill No. 2329**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 2329 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2329 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 29-20-102, is amended by adding the following new subpart (5):

(5) "Action" shall be construed to have the same meaning and construction as the term is defined and described in Tennessee Code Annotated, Title 28, Chapter 1, Part 1 so that the provisions of Tennessee Code Annotated, Section 28-1-105 shall apply to any "action" brought pursuant to this chapter.

On motion, Amendment No. 1 was adopted.

Rep. Burchett moved that **Senate Bill No. 2329**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 3082** -- Drug and Alcohol Rehabilitation - Requires approval of a county legislative body before health facilities commission may consider certificate of need application for new methadone treatment facility. Amends TCA Title 68, Chapter 11, by \*Arriola, \*Westmoreland. (SB3259 by \*Ramsey)

Further consideration of House Bill No. 3082 previously considered on today's Calendar.

Rep. Arriola moved that House Bill No. 3082 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3082 by deleting all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 68-11-106(d)(3), is amended by adding a new sentence after the first sentence to read as follows:

Within ten (10) days of the filing of an application for a nonresidential methadone treatment facility with the commission, the applicant shall send a notice to the county executive of the county in which the facility is proposed to be located and to the mayor of the municipality, if the facility is proposed to be located within the corporate boundaries of a municipality, by certified mail, return receipt requested, informing such officials that an application for a nonresidential methadone treatment facility has been filed with the commission by the applicant.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. At a hearing conducted by the commission for a nonresidential methadone treatment facility, if a local governing body requests to participate in such hearing, the officials of such governing body shall have the opportunity to appear before the commission and express support and/or opposition to the granting of a CON to the applicant. The testimony of such officials shall be informational and advisory to the commission and the support of the local governing body shall not be a requirement for the granting of a CON by the commission.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. The moratorium established by Section 1 of Chapter 364 of the Public Acts of 1997, shall continue until rules and regulations concerning a central registry and outcomes-based program evaluation are final and effective pursuant to Title 4, Chapter 5, Part 1. The board shall initiate rulemaking procedures within thirty (30) days of the effective date of this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3082 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Arriola moved that **House Bill No. 3082**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 3305** -- Custody and Support - Creates federal waiver process through U.S. department of health and human services for operation of centralized unit for collection and disbursement of child and spousal support operated by state court clerk's conference. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 18; Title 34; Title 36; Title 37; and Title 71. by \*Haley, \*McDaniel. (SB3303 by \*Fowler, \*Atchley)

Rep. Haley moved that House Bill No. 3305 be passed on third and final consideration.

Rep. Kernell requested that Government Operations Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3305 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-114, is amended by deleting the section in its entirety and by substituting instead the following:

36-5-114. Federally required state collection and disbursement unit for child and spousal support.— (a)(1) The provisions of this section are intended to outline a flexible waiver application procedure for the federally required centralized collection and disbursement of child and spousal support established pursuant to 42 U.S.C. 654b. Wherever the terminology "collection and disbursement" is used in this section, or in other sections of law using that terminology, it is the legislative intent that the use of such term in the conjunctive shall be not be construed to prevent the department of human services from seeking waivers and the state of Tennessee from implementing any procedures, permitted by federal law, regulations, or interpretations of such law or regulations or such waivers, which may allow for alternate methods or processes for either collection or disbursement of child and spousal support by the clerks of the court of this state.

(2)(A) If the federal law, or regulations or the interpretation of such law or regulations, are repealed or modified so that centralized collection and disbursement is no longer mandated by federal law, and such repeal or modification occurs before the implementation of the centralized collection system, either directly by department of human services itself or before the execution of a contract by the department with a contractor for the operation of such system, the provisions of state law addressing such a centralized system for the collection and disbursement of child and spousal support shall be null and void.

(B) Should the federal requirement of a centralized system be repealed or modified after implementation by the state department of human services of the federally required centralized collection and disbursement system, either directly by the department or by the department through a contractor, the provisions of law relative to the federally required centralized collection and disbursement system shall remain in effect, but the commissioner of the department of human services shall, at the request of and in conjunction with the clerks of the courts, develop a plan for transition of the collection and disbursement functions to the clerks of the courts which shall include proposed legislation which may be necessary to return the collection and disbursement process to the clerks of court. The plan shall be submitted to the chairs of the House Children and Family Affairs Committee and the Senate Judiciary Committee prior to the beginning of the next session of the general assembly after the repeal or modification of the federal requirements, but in no event later than ninety (90) days after the repeal or modification of the federal requirements.

(3) Nothing herein shall impair the validity of a contract which has been executed by the state of Tennessee or the department of human services with any person or entity for the operation of the federally required centralized collection and disbursement system before the repeal or modification of the federal centralized collection and disbursement requirement.

(b)(1) If a waiver is available under federal law or regulations that would enable the clerks of court to continue to collect or disburse child and spousal support, the commissioner of human services shall, at the request of the clerks of court conference, consult with the clerks of the courts to determine the feasibility of implementing the provisions of such a waiver, and shall make application to the United States department of health and human services for such a waiver; provided, however, if the department has contracted for the operation of the central collection and disbursement system at the time federal law and regulations, or the interpretation of such, have changed, then the provisions of this subdivision shall be subject to the contract terms.

(2) In the event the waiver is granted which permits the clerks of court to perform services in the central collection and disbursement system, the clerks of court may enter into a contract, as permitted by state and federal law, with a third party to perform any of the functions required by federal law or required under such a waiver. If such a contract is appropriate, the president of the state court clerks conference, upon authorization of the board of directors of the state court clerks conference, shall have authority to bind the members of the conference to the terms of the contract. The contract may provide for any contractor to retain or distribute all or part of the clerks' fees authorized by § 8-21-403, if permitted by federal regulations. Under any plan, the collection and disbursement of child and spousal support shall be conducted in such a manner as will not adversely affect either compliance with federal regulations or federal funding for the Title IV-A block grant program and the Title IV-D child support program.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by adding the following as a new section:

36-5-115. State Registry of Support Cases. --(a) "Support order" for purposes of this section means an order in which there is a judgment, decree, or order, whether temporary, final, or subject to modification, which is issued by a court of competent jurisdiction or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the state which issued the order and which order, judgment, or decree provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest, penalties, income withholding, attorneys fees, and other relief.

(b) All cases of support for which services are being provided pursuant to Title IV-D of the Social Security Act, and all support orders which are established or modified on or after October 1, 1998, regardless of whether such orders result from cases being enforced pursuant to Title IV-D of the Social Security Act, shall be contained in an automated state registry of support cases and support orders to be operated by the department of human services under such conditions, and containing such data elements, as are required by the secretary of the United States department of health and human services pursuant to 42 U.S.C. 654a.

(c)(1)(A) The clerk of the court who had opted out of the statewide child support computer system prior to March 1, 1998 and who maintains the records of support orders described in subsection (b) in non-Title IV-D cases, shall send a facsimile copy of the order, any necessary data elements required by the secretary of the United States department of health and human services and any additional updated information regarding such data elements on the support case at such time as it is supplied to the clerk by the parties to the case, to the department or its contractor on a daily basis on a line and facsimile machine provided for such purpose by the department of human services. The machine shall be provided if the clerk's office does not have a facsimile machine as determined by the department through an equipment assessment. Line charges shall be the responsibility of the department either through use of a toll-free line or pursuant to the cost reimbursement requirements of § 36-5-117.

(B) As an alternative to provision by the clerk of the order and information as required by subdivision (c)(1)(A) by use of a facsimile machine, for those clerks who have opted out of the statewide child support enforcement system pursuant to §36-5-101(a), upon the request of the clerk, the department shall conduct a computer needs assessment of the clerk's office. Based upon the assessment, the department shall provide either adequate computer equipment and Tennessee Child Support Enforcement System (TSCS) software to permit the transfer of information required by the federal case registry provisions, or if the clerk has an existing computer system which is the same system as a clerk that is currently interfacing with the department of human services' TCSSES system, that clerk shall be given the same opportunity to interface with the TCSSES system, with the costs of any modifications required to

transmit the required data elements or to otherwise meet the requirements of federal law needed for the interfacing system to be the responsibility of the department of human services.

(2) For clerks who operate under TCSES or under the TSCS interfacing system, including the model interfacing systems, the department will absorb the costs of modifications of the computer system necessary to receive and transmit information required by the federal law for the operation of the central case registry.

(d) The clerks' costs for services of this section shall be paid according to the reimbursement process established pursuant to § 36-5-117.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by adding the following as a new section:

36-5-116. Establishment of central collection and disbursement unit. —(a)(1) Effective October 1, 1999, the department of human services shall become the central collection and disbursement unit for the state as required by 42 U.S.C. 654b. All orders in Title IV-D support cases, and all orders for income assignments which have directed support to be paid to the clerk of any court, and which are subject to the provisions of 42 U.S.C. 654b, shall be deemed to require that the support be sent to the central collection and disbursement unit, any order of the court notwithstanding.

(2) When the department or its contractor acts as the central collection and disbursement unit, then, notwithstanding any provision of law to the contrary, the fee paid by the obligor for the collection and disbursement of child support pursuant to § 8-21-403 shall be paid to the department of human services with respect to payments collected or disbursed by the central system. The processing of such fees shall be conducted in such a manner as will not adversely affect compliance with federal law or regulations and will not adversely affect federal funding for the Title IV-A block grant program and the Title IV-D child support program. Provided, further, the department may by rules promulgated pursuant to the provisions of title 4, chapter 5, reduce the fee provided in § 8-21-403 with respect to cases under the centralized collection and disbursement unit.

(b)(1) Each clerk shall submit to the department of human services, in the manner described in subsection (c), on a daily basis on the day the order is entered, the information required to permit the department to process all payments for child and spousal support which are required by federal law to be collected and disbursed by the federally mandated state collection and disbursement unit, and such other information necessary to update the processing of information for collection and disbursement if contained in the court records.

(2) The clerks' services for providing such information shall be paid by the department according to the reimbursement process established by § 36-5-117.

(c) The clerks of court who have opted out and those clerks who operate a Tennessee Child Support Enforcement System (TCSES) or TCSES interface computer system, including the model interface system, shall have the same options as contained in § 36-5-115(c) for transmitting data required for the processing of information relative to the collection and disbursement of child and spousal support as required by this section. The clerk must, however, choose the same method of transmission of data for both the central case registry and the central collection data transmission.

(d)(1) Following implementation of the federally required central collection and disbursement unit, each clerk shall remain responsible for receipt of all support payments not subject to the requirements of the centralized collection and disbursement system.

(2) Payments received by the clerk for support cases which are not Title IV-D cases or which are not otherwise subject to the requirements of a central collection or disbursement system shall not be included in the cost reimbursement and shall be subject to the fees permitted by § 8-21-403 or such other fees permitted by law. Payments which are received by the clerk in cases subject to the central collection and disbursement system shall be distributed to the centralized collection and disbursement system; provided, however, the clerks shall be reimbursed the costs of such services pursuant to the provisions of § 36-5-117.

SECTION 4. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding the following as a new section:

36-5-117. Reimbursement of clerks of courts for activities involving child support, central state case registry and the central collection and disbursement system. --(a)(1) Notwithstanding any law to the contrary, and in lieu of any other fees or costs set forth by law which would otherwise be applicable to cases enforced by the department of human services or its contractors pursuant to Title IV-D of the Social Security Act, and for activity related to the collection and disbursement of support in cases subject to 42 U.S.C.654b, and for their activities required pursuant to § 36-5-115, the clerks of court shall be reimbursed by the department of human services to the maximum extent permitted under federal law and regulations for the actual costs of providing services for which federal financial participation is available for child and spousal support cases being enforced pursuant to, or otherwise subject to, the requirements of the Title IV-D child support program.



(2) Nothing in this section shall alter the method for payment of court costs in Title IV-D support cases or in non-Title IV-D support cases by private parties, if otherwise permitted by federal law or regulations.

(b) The actual costs shall be set according to the determination by the comptroller of the treasury pursuant to federal regulations relative to allowable and reimbursable costs under the Title IV-D child support enforcement program and for which federal financial participation is available.

(c)(1) The comptroller of the treasury shall conduct a study of the actual costs of the activities described for reimbursement pursuant to this act and shall make a determination of the amount of funds generated by the collection of the fee on the collection of child support pursuant to § 8-21-403. The comptroller shall report such study to the president of the state court clerks conference, the commissioners of finance and administration and human services and to the director of the administrative office of the courts by October 1, 1998.

(2) When determining actual costs for services which shall be reimbursed, the comptroller shall consider that such services shall include, but are not limited to, filing costs, issuance of process or subpoenas, entry of orders, provision of copies, transmission of data, mailing costs, customer service activities, billing, auditing, electronic fund transfer costs, accounting activities, space, storage and personnel costs, equipment and materials costs, and any other reasonably related expenses, which are not otherwise provided by the state of Tennessee or the federal government, or by a litigant, and which are allowable costs for federal financial participation.

(d) The comptroller of the treasury shall review the costs for the clerks to provide such services on a biennial basis and shall report this to the same parties named in subdivision (c)(1) in order for the departments of human services and finance and administration to adjust the costs as permitted by federal law and regulations and for which federal financial participation is available.

(e) The cost reimbursement process section shall be implemented upon the implementation of the centralized collection and disbursement system, but in no circumstance later than October 1, 1999. Reimbursement to the clerks of court under the cost reimbursement process shall be made on a monthly basis by electronic fund transfer. Reimbursement of such costs shall be made pursuant to a contract, if required by federal law or regulations, by the department of human services with each clerk who performs such child or spousal support services as may be required by Title IV-D of the Social Security Act. Notwithstanding any provision of law to the contrary, the clerk of the court shall have authority to contract with the department of human services as may be required pursuant to this subsection.

(f) Notwithstanding any provision of law to the contrary, upon implementation of the reimbursement process described in this section, any provision of law which would otherwise exempt the department of human services or its contractors from the payment of costs for cases subject to Title IV-D requirements involving child or spousal support services or as otherwise required pursuant to 42 U.S.C. 654b, shall be superseded by the provisions of the cost reimbursement provisions of this section, and all costs associated with services provided by the clerks of courts to the department of human services or its contractors will be paid according to the cost reimbursement provisions of this section; provided, however, the provisions of this subsection negating such exemptions shall not apply to any exemptions from costs or fees required by federal law or regulations or any uniform act.

SECTION 5. If any provision of this act or its application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 2 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 3305 by inserting the following language as a new, appropriately numbered section immediately preceding the severability section and by renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by adding the following as a new section:

36-5-11\_. Notwithstanding the provisions of this part or any other law to the contrary, if the department of human services serves as the central collection and disbursement unit for the state, then the department must establish, advertise and maintain a customer service unit and a statewide toll-free telephone line for the express purpose of receiving and responding to citizen inquiries and complaints concerning child support collections and disbursements. Notwithstanding the provisions of any law to the contrary, if a contractor of the department of human services serves as the central collection and disbursement unit for the state, then the contractor must establish, advertise and maintain a customer service unit and a statewide toll-free telephone line for the express purpose of receiving and responding to citizen inquiries and complaints concerning child support collections and disbursements

On motion, Amendment No. 3 was adopted.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 3 as House Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 3305 by inserting the following language as a new, appropriately numbered section immediately preceding the severability section and by renumbering subsequent sections accordingly:

SECTION \_\_. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by adding the following as a new section:

36-5-11\_. Notwithstanding the provisions of this part or any other law to the contrary, the department of human services shall vigorously investigate and determine the feasibility of securing the necessary waivers required to permit establishment of satellite offices for the state's central collection and disbursement unit. Such satellite offices would be established only in those counties which account for a substantial percentage of total child support collections within the state. Such satellite offices would locally collect and/or disburse child support and/or would provide a locally based customer service unit for residents of such county. On or before January 12, 1999, the department shall report its findings, recommendations and actions pursuant to this section to the general welfare, health and human resources committee of the senate and to the children and family affairs committee of the house of representatives.

On motion, Amendment No. 4 was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Haley moved that **House Bill No. 3305**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

**THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 2119** -- Insurance, Health, Accident - Enacts "Provider Sponsored Organization Act of 1998." Amends TCA Title 56. by \*Bowers, \*Towns, \*Armstrong, \*DeBerry L. (SB2361 by \*Ford J)

On motion, House Bill No. 2119 was made to conform with **Senate Bill No. 2361**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 2361 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Bowers moved that **Senate Bill No. 2361** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1878** -- Criminal Offenses - Creates Class A misdemeanor offense for employee to falsify or attempt to falsify drug test; creates Class E felony offense for person employed by covered employer or drug testing lab to falsify or attempt to falsify drug test; subjects company to fine. Amends TCA Title 50, Chapter 9, Part 1. by \*Bird. (\*SB1874 by \*Miller J)

Further consideration of House Bill No. 1878 previously considered on April 22, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion of Rep. Bird, **House Bill No. 1878** was withdrawn from the House.

**House Bill No. 3381** -- Dickson - Subject to local approval, Enacts "Water and Wastewater Authority of Greater Dickson." - Repeals Chapter 84 of the Private Acts of 1997. by \*Jackson. (SB3422 by \*Springer)

Further consideration of House Bill No. 3381 previously considered on April 22, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Jackson moved that House Bill No(s). 3381 be reset for the last Regular Calendar of the session, which motion prevailed.

**\*House Bill No. 3386** -- Utilities, Utility Districts - Requires bylaws of citizens gas utility district of Scott and Morgan counties be amended, altered or repealed by 4/5 affirmative vote of membership of board of trustees voting at two consecutive monthly meetings. Amends Chapter 225 of the Public Acts of 1959, as amended. by \*Windle. (SB3397 by \*Davis L)

Further consideration of House Bill No. 3386 previously considered on April 22, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Windle moved that House Bill No. 3386 be passed on third and final consideration.

Rep. Winningham moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3386 by adding the following language at the end of the amendatory language of Section 1:

The Board of Trustees shall publish in a newspaper of general circulation in Scott and Morgan Counties the dates of the two (2) consecutive monthly meetings of the Board on which the Board will consider and vote on such amendment, alteration or repeal of the by laws.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that **House Bill No. 3386**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount),

**THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2178** -- Sunset Laws - Water quality control board, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by \*Kernell, \*Garrett, \*Brooks, \*Cooper B. (\*SB2133 by \*Springer)

Further consideration of House Bill No. 2178 previously considered on April 22, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Kernell moved that House Bill No(s). 2178 be reset for the Regular Calendar on April 28, 1998, which motion prevailed.

**House Bill No. 3177** -- Insurance, Health, Accident - Requires health insurance to phase-in coverage of mental health services at same rates and terms as that provided for all other medical and surgical conditions; coverage to be phased in at 50 percent by 7/1/99; 75 percent by 7/1/2000 and to be equal by 7/1/2001. Amends TCA Title 56, Chapter 7. by \*Walley, \*Turner (Hamilton), \*DeBerry J, \*Hargett, \*Fitzhugh, \*Arriola, \*Towns, \*Caldwell, \*Pruitt, \*Lewis, \*Tindell, \*Cole (Dyer), \*Bowers, \*Ferguson, \*Williams (Williamson), \*Phelan, \*Kernell, \*Jackson, \*McDaniel, \*Westmoreland, \*Burchett, \*Chumney, \*Stulce, \*Cross, \*White, \*Mumpower, \*Robinson, \*Boner, \*Stamps, \*Walker (Rhea), \*Walker (Blount), \*Haley, \*Pleasant, \*Miller L. (\*SB2798 by \*Rochelle, \*Cooper, \*Ford J, \*McNally, \*Elsea, \*Springer, \*Carter, \*Person, \*Harper, \*Gilbert, \*Herron)

Rep. Walley moved that House Bill No. 3177 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3177 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_ (a) In addition to any other requirement of law concerning coverage of mental health or mental illness benefits, including but not limited to Section 56-6-2601, any group health plan issued by any entity regulated pursuant to insurance law under Title 56 shall provide coverage for mental health services as follows:

(1) As to either aggregate lifetime limits or annual limits or both, for a group health plan providing both medical and surgical benefits and mental health benefits:

(A) If the plan does not have a limit on substantially all medical and surgical benefits, the plan may not impose any such limit on mental health benefits;

(B) If the plan has a limit on substantially all medical and surgical benefits, the plan shall either include mental health benefits under the limit applied to medical and surgical benefits or apply a separate limit to mental health benefits that is no less than the one applied to medical and surgical benefits;

(C) If the plan has varying limits on different medical or surgical benefits, the plan shall apply an average limit to mental health benefits with the average to be computed based on the weighted average of the varying limits;

(D) "Aggregate lifetime limit" means a dollar limitation on the total amount that may be paid for benefits under a health plan with respect to an individual or other coverage unit; and

(E) "Annual limit" means a dollar limitation on the total amount that may be paid for benefits in a twelve-month period under a health plan with respect to an individual or other coverage unit.

(2) (A) Any annual visit limits by a plan shall be equal to or greater than twenty (20) hospital inpatient days and twenty-five (25) outpatient or doctor visits. As an alternative to hospital inpatient days, if less costly residential treatment, partial hospitalization, or crisis respite care for the patient is appropriate, the plan shall provide for this care at the rate of two (2) alternate care days to one (1) day of inpatient hospital treatment.

(B) An issuer of a plan may not count toward the number of outpatient visits required to be covered under this subdivision an outpatient visit for the purpose of medication management and shall cover that outpatient visit under the same terms and conditions as it covers outpatient visits for the treatment of physical illness. Medication management shall not include services that could be billed as a therapy or consultation visit. For the purposes of this subdivision, "medication management" means pharmacologic management, including prescription, use, and review of medication with no more than minimal medical psychotherapy.

(3) The mandate to provide coverage for mental health services at the same rates and terms as coverage provided for all medical and surgical conditions under this subsection shall not be applicable to services for the abuse of or dependency on alcohol or drugs.

(4) A plan may not establish a separate limitation for mental health services for out-of-pocket cost sharing that is more costly than any such limitation applied to medical and surgical benefits.

(5) This subsection shall not apply to group health plans issued to small employers, defined as those with from two (2) to twenty-five (25) employees.

(b) Nothing in subsection (a) shall be construed as prohibiting an employee health benefit plan, or a plan issuer offering a group health plan from utilizing managed care practices for the delivery of benefits required under this section.

(c) Nothing in this section shall limit the amounts and terms of coinsurance, copayments, deductibles, or differentials required to be paid by the enrollee.

The mandate to provide coverage for mental health services shall not apply with respect to a group health plan if the application of the mandate to such plan results in an increase in the cost under the plan of more than one percent (1%). Documentation of such increase in cost shall be filed with the department of commerce and insurance after twelve (12) months of experience. If the commissioner determines that such increase in cost is a result of the requirements of this section, the commissioner or the commissioner's designee shall issue a letter to the issuer of the plan that the plan does not have to comply with the mandate set out herein. The issuer may appeal the letter as final agency action pursuant to Title 4, Chapter 5.

The provisions of this section shall not apply to any individual policy issued under this title.

(f) The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of Title 4, Chapter 5.

Section 2. Tennessee Code Annotated, Section 56-7-2601(a), is amended by adding the following new sentence immediately after the first sentence of the subsection: "The provisions of this subsection shall not apply to group policies or plans to which Section 1 of this act applies."



Section 3. Tennessee Code Annotated, Section 56-7-2601(g), is amended by deleting the language "In general," at the beginning of the subsection and by substituting instead the language "Subject to the provisions of Section 1 of this act, in general,".

Section 4. This act shall take effect on becoming a law for purposes of rulemaking, the public welfare requiring it. For all other purposes it shall take effect January 1, 2000, the public welfare requiring it. This act shall apply to contracts entered into or renewed on and after January 1, 2000.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3177 in the amendatory language of Section 1 by adding the following as a new subsection (g):

(g) Benefits under this section may not be denied for care provided in a hospital licensed under Tennessee Code Annotated, Section 68-11-201(21), or Title 33, Chapter 2, if the facility is accredited by the joint commission on accreditation of health care organizations.

AND FURTHER AMEND in subsection (a) of the amendatory language of Section 1 by deleting the language "56-6-2601" and by substituting instead the language "56-7-2601".

On motion, Amendment No. 2 was adopted.

Rep. Walley moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 3177 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-201, is amended by adding the following new appropriately numbered subsection:

( )

(a) Take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or capias for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. One (1) set of such fingerprints shall be sent to the Tennessee bureau of investigation as provided in Tennessee Code Annotated, Section 38-6-103 and one (1) set to the federal bureau of investigation.

(b) Notwithstanding any other provision of law to the contrary, in order to comply with the provisions of this subsection effective July 1, 1997 twenty percent (20%) of the funds a sheriff's office receives pursuant to Tennessee Code Annotated, Section 39-17-420 shall be set aside and earmarked for the purchase of livescan fingerprint capture equipment. Twenty percent (20%) of such funds shall be set aside and earmarked each year until July 1, 2002 or until the sheriff has sufficient funds to purchase livescan fingerprint capture equipment, whichever amount of time is less;

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

Section\_\_\_\_.

(a) It shall be the duty of every law enforcement officer as defined in Tennessee Code Annotated, Section 39-11-106(21) to take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or capias for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. One (1) set of such fingerprints shall be sent to the Tennessee bureau of investigation as provided in Tennessee Code Annotated, Section 38-6-103 and one (1) set to the federal bureau of investigation.

(b) Notwithstanding any other provision of law to the contrary, in order to comply with the provisions of this subsection effective July 1, 1997 twenty percent (20%) of the funds a municipal police department receives pursuant to Tennessee Code Annotated, Section 39-17-420 shall be set aside and earmarked for the purchase of livescan fingerprint capture equipment. Twenty percent (20%) of such funds shall be set aside and earmarked until July 1, 2002 or until the chief of police has sufficient funds to purchase livescan fingerprint capture equipment, whichever amount of time is less. In lieu of purchasing such fingerprint capture equipment, a municipal police department may enter into an agreement with the sheriff of the county in which the police department is located. Such agreement may provide that the police department may use the sheriff's fingerprint capture equipment for person's arrested by the police department in exchange for the police department paying an agreed upon portion of the cost and maintenance of the sheriff's fingerprint capture equipment.

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following as a new section:

Section\_\_\_\_.

(a) The comptroller shall determine if each county sheriff's office and municipal police department have procedures in place which will ensure substantial compliance with the fingerprinting requirements of Sections 1 or 2 of this act.

(b) If the comptroller of the treasury determines that a particular sheriff's office or police department is not in substantial compliance with Sections 1 or 2 of this act, the comptroller shall notify the appropriate county executive of the sheriff's noncompliance or shall notify the appropriate mayor of the police department's noncompliance. Upon receiving such a notification from the comptroller, the county executive or mayor shall begin withholding two and one-half percent (2.5%) of the sheriff's or police chief's salary. The county executive or mayor shall continue to withhold such percentage of salary until it is determined that the sheriff or police chief is in substantial compliance with the fingerprinting requirements of this act.

(c) Once a sheriff's office or police department has been found in noncompliance with the fingerprinting requirements of Sections 1 or 2 of this act and the notification letter described in subsection (b) of this section has been sent, the burden shall be on such sheriff or police chief to notify the comptroller of the treasury that the sheriff's office or police department is in substantial compliance with such requirements. If the comptroller of the treasury determines that a noncomplying sheriff's office or police department has returned to substantial compliance, it shall send a letter so stating to the appropriate county executive or mayor. Upon receiving such letter, the county executive or mayor shall once again begin paying the sheriff or police chief one hundred percent (100%) of their salary and shall pay to such sheriff or police chief the amount of salary withheld during the period of noncompliance. Provided, however, a sheriff or police chief found to be in noncompliance with Sections 1 or 2 of this act shall be required to forfeit two and one half percent (2.5%) of one-twelfth (1/12) of their annual salary.

(d) At least annually the comptroller's office shall send to each county executive, sheriff, mayor and chief of police a notice advising them of the provisions of this act including the penalty for noncompliance with this act.

SECTION 4. This act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Walley moved that **House Bill No. 3177**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 2784** -- Adoption - Establishes advance notice procedures for adoption contact veto registry Amends TCA Title 36, Chapter 1. by \*Chumney. (\*SB3073 by \*Fowler)

Further consideration of House Bill No. 2784 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Chumney moved that House Bill No. 2784 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 2784 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding the following as a new part to be appropriately designated:

Section 1. The object of this part is to establish an advance notice system which enables an eligible person to request the department to provide advance notification prior to the release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers under Tennessee Code Annotated §36-1-127(c) which has information regarding such person in order to give the person requesting advance notification the opportunity to prepare for the release and any impact this might have on the person or the person's family or associates. If the department has received such a request, it shall delay the release of the adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers to another person during the advance notice period.

Section 2. In this part,

(1) "Advance notice period" means the forty-five (45) day period from the date of mailing a notice regarding the impending release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other record or papers to a person who has requested that the department provide advance notice prior to releasing said information.

Section 3.

(a) A person is entitled to file a request to be given advance notice before any adoption record, sealed record, sealed adoption record, post-adoption record, or any other records or papers with information regarding said person is released to another person if the person seeking to file the request is otherwise eligible to receive such information pursuant to this part.

(b) An eligible person desiring to place his/her name on the Advance Notice Registry shall notify the department in writing on a form provided by the department, provide satisfactory proof of identity, and pay any necessary fees. The department shall supply the registration form upon request.

Section 4.

(a) The department shall establish and maintain an Advance Notice Registry. Notwithstanding any other law to the contrary, the Advance Notice Registry shall not be considered part of the post-adoption record or any other record or paper subject to release under Tennessee Code Annotated, Section 36-1-127(c), and the information contained in the Advance Notice Registry shall be confidential.

(b) The Advance Notice Registry shall include, but not be limited to, the following information:

(1) the name of each person who has duly filed an advance notice request; and

(2) the address given by the person as the mailing address at which any postal contact by the department with the person should be made; and

(3) the date and place of birth of the person filing with the Advance Notice Registry; and

(4) the persons or class of persons affected by the request; and

(5) the advance notice period.

(c) A person whose name is entered in the Advance Notice Registry shall advise the department of any change in his or her address.

Section 5. The department shall announce the existence of the Registry and its service within ninety (90) days of January 1, 1999, through appropriate publicity and media coverage as may be available without cost. The department is authorized to promulgate necessary rules and regulations to facilitate the implementation of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5, Part 2.

SECTION 2. Tennessee Code Annotated, Section 36-1-141(a)(1), is amended by adding the words and punctuation "for registering requests with the Advance Notice Registry," after the words and punctuation "for registering requests for contact vetoes,".

SECTION 3. This act shall take effect as follows, the public welfare requiring it:

(a) on January 1, 1999, for the purposes of Section 5 of Section 1; and or as soon as the appropriate mechanisms are in place.

(b) on July 1, 1999, for the purpose of all remaining sections of this act.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Chumney moved that **House Bill No. 2784**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	78
Noes.....	14
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Godsey, Goins, Gunnels, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDonald, McMillan, Miller, Mumpower, Odom, Patton, Phillips, Pleasant, Pruitt, Ridgeway, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Boyer, Cross, Ferguson, Fowlkes, Givens, Halteman-Harwell, Kerr, McDaniel, McKee, Newton, Phelan, Pinion, Stamps, Tidwell -- 14.

## THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Representatives present and not voting were: Cole (Dyer), Fraley, Rhinehart, Westmoreland -- 4.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 2** -- Constitutional Amendments - Completes constitutional amendment process by proposing to 100th General Assembly same constitutional amendment relative to rights to which victims of crime are entitled that was passed during 99th General Assembly. by \*Burks, \*Herron, \*Crowe, \*Kyle, \*Springer, \*Kurita, \*Gilbert, \*Williams.

Further consideration of Senate Joint Resolution No. 2 previously considered on April 22, 1998, at which time it was read for the first constitutional reading, and reset to today's Regular Calendar.

Rep. Hargrove requested that the Clerk read Senate Joint Resolution No. 2 for the second constitutional reading.

The Clerk read Senate Joint Resolution No. 2.

Rep. Hargrove moved that Senate Joint Resolution No. 2 be reset to the next Calendar, which motion prevailed.

### RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 764 out of order, which motion prevailed.

**House Joint Resolution No. 764** -- General Assembly, Adjournment, Recess - Recesses house of representatives at close of business of April 16, 1998 until 10:00 a.m. on April 22, 1998. by \*Hargrove, \*McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

### MOTION TO RESET BILLS

Rep. Hargrove moved that all bills set on the Calendars for Monday, April 27, 1998, be reset to the Calendars on Tuesday, April 28, 1998, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**\*House Joint Resolution No. 565** -- Constitutional Amendments - Removes constitutional ban on lotteries if proceeds allocated for education. by \*Kernell.

## **THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

Further consideration of House Joint Resolution No. 565 previously considered on April 22, 1998, at which time it was read for the first constitutional reading, and reset to today's Regular Calendar.

Rep. Kernell requested that the Clerk read House Joint Resolution No. 565, as amended, for the second constitutional reading.

The Clerk read House Joint Resolution No. 565, as amended.

Rep. Hargrove moved that House Joint Resolution No. 565 be reset to the Calendar for April 28, 1998, which motion prevailed.

### **SUPPLEMENTAL REGULAR CALENDAR**

**House Bill No. 2949** -- Insurance, Health, Accident - Enacts "Consumer Health Care Advocacy Act." Amends TCA Title 56. by \*McDaniel, \*Hargrove, \*Rhinehart, \*Kisber, \*Armstrong, \*DeBerry L, \*Rinks, \*Head, \*Cole (Carter), \*Cole (Dyer), \*Kent, \*Whitson, \*Chumney, \*Naifeh, \*Davis R, \*Huskey, \*Walker (Rhea), \*Newton, \*Hargett, \*Eckles, \*Davidson, \*Fowlkes, \*McDonald, \*Bone, \*Hood, \*Walley, \*Bowers, \*Godsey, \*Fraley, \*Sargent. (\*SB3127 by \*Graves)

Rep. Hargrove moved that House Bill No(s). 2949 be reset to the first place on the Regular Calendar on April 28, 1998, which motion prevailed.

**House Bill No. 3000** -- Pharmacy - Requires managed care organizations to offer contract to any licensed pharmacist in service area to provide pharmacy services. Amends TCA Title 56, Chapter 32 and Title 63, Chapter 10. by \*Eckles, \*Williams (Williamson), \*Ridgeway, \*Ferguson, \*Fowlkes, \*McDaniel, \*White, \*Caldwell, \*Phillips, \*Arriola, \*Cross, \*Pinion, \*Sands, \*Stulce, \*Newton, \*Rhinehart, \*Davidson, \*Head, \*Lewis, \*Windle, \*Curtiss, \*Turner (Hamilton), \*Cole (Dyer), \*Godsey, \*Garrett, \*Langster, \*Patton, \*Ford S, \*Jones, S., \*Beavers, \*Mumpower, \*Phelan, \*Rinks, \*McMillan, \*West, \*Cole (Carter), \*Bone, \*Halteman Harwell, \*Kent, \*Goins, \*Bowers, \*Givens, \*Fraley. (\*SB3114 by \*Womack)

Rep. Eckles moved that House Bill No(s). 3000 be reset to the second place on the Regular Calendar on April 28, 1998, which motion prevailed.

### **MESSAGE CALENDAR**

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2520** -- Custody and Support - Makes willingness of parent to encourage child to have frequent and continuing contact with other parent most heavily weighted factor in determining custody. Amends TCA Title 36, Chapter 6, Part 1. by \*DeBerry J, \*Armstrong, \*Burchett, \*Bowers, \*Bone, \*Bird. (SB2828 by \*Ramsey)



**Senate Amendment No. 2**

AMEND House Bill No. 2520 by deleting House Amendment Number 2 in its entirety.

Rep. J. Deberry moved that the House non-concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2520**, which motion prevailed.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Langster moved that the rules be suspended for the purpose of introducing House Resolution No. 200 out of order, which motion prevailed.

**House Resolution No. 200** -- Memorials, Recognition and Thanks - Mt. Nebo Baptist Church of Nashville. by \*Langster, \*Jones, S., \*West, \*Arriola, \*DeBerry J, \*Jones U (Shelby), \*DeBerry L, \*Bowers, \*Armstrong, \*Odom.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Langster, with the request that all members voting aye be added as sponsors, the resolution was adopted.

**RULES SUSPENDED**

Rep. Langster moved that the rules be suspended for the purpose of introducing House Resolution No. 201 out of order, which motion prevailed.

**House Resolution No. 201** -- Memorials, Recognition and Thanks - Mt. Zion Baptist Church. by \*Langster, \*Armstrong, \*West, \*Brown, \*Walley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Langster, with the request that all members voting aye be added as sponsors, the resolution was adopted.

**RULES SUSPENDED**

Rep. McDaniel moved that the rules be suspended for the purpose of introducing House Resolution No. 199 out of order, which motion prevailed.

**House Resolution No. 199** -- Memorials, Sports - Coach Mack Chandler. by \*McDaniel.

**THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McDaniel, the resolution was adopted.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1408** -- Motor Vehicles, Titling and Registration - Rewrites provisions regarding special license plates. Amends TCA Title 55, Chapter 4. by \*White, \*Brooks, \*Sharp, \*Fowlkes.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 1408**

Pursuant to **Rule No. 73**, Representative White moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1408, which motion prevailed.

The Speaker appointed Representatives White, Fowlkes and McKee as the House members of the Conference Committee on House Bill No. 1408.

**ENGROSSED BILLS  
April 23, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1832.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1832, 2152, 2155, 2156, 2157 and 2158; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
April 23, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2854 and 2299.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 23, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 764.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 23, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3177.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3177; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 764; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS**

**April 23, 1998**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 593, 677, 685, 696, 698, 700, 701, 702, 703, 705, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 720, 721, 722, 723, 724, 725, 733, 740 and 764.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 23, 1998**

The Speaker signed the following: House Joint Resolution(s) No(s). 593, 677, 685, 696, 698, 700, 701, 702, 703, 705, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 720, 721, 722, 723, 724, 725, 733, 740 and 764.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 656, 657, 658, 659, 662, 663, 664, 665, 667, 678, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 693, 694 and 695; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 656** -- Memorials, Interns - Ibtissam Bennett. by \*Graves.

**Senate Joint Resolution No. 657** -- Memorials, Professional Achievement - ETSU College of Nursing. by \*Crowe, \*Kurita.

**Senate Joint Resolution No. 658** -- Naming and Designating - "Cumberland District Drinking Water Month," May. by \*Burks.

**Senate Joint Resolution No. 659** -- Memorials, Recognition and Thanks - Raider TV Avery Trace Middle School Television Show. by \*Burks.

**Senate Joint Resolution No. 662** -- Memorials, Recognition and Thanks - Joe Sweat, Tennessee Municipal League. by \*Cohen, \*Atchley, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 663** -- Memorials, Professional Achievement - James H. Quillen College of Medicine at East Tennessee State University. by \*Crowe, \*Dixon, \*Kyle, \*Cohen.

**Senate Joint Resolution No. 664** -- Memorials, Recognition and Thanks - Thomas W. Balls. by \*Springer, \*Dixon.

**Senate Joint Resolution No. 665** -- Naming and Designating - "National Teachers Day," May 5, 1998. by \*Womack, \*Atchley, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 667** -- Memorials, Personal Occasion - Brandon Bradshaw Cate. by \*Person.

**Senate Joint Resolution No. 668** -- Memorials, Death - Fred G. Laine. by \*Rochelle.

**Senate Joint Resolution No. 669** -- Memorials, Academic Achievement - Samuel David Haley, 1998 Valedictorian, Mt. Juliet Christian Academy. by \*Rochelle.

**Senate Joint Resolution No. 670** -- Memorials, Academic Achievement - Robert Thomas Hall, 1998 Salutatorian, Mt. Juliet Christian Academy. by \*Rochelle.

**Senate Joint Resolution No. 671** -- Memorials, Recognition and Thanks - Dr. William Molony. by \*McNally.

**Senate Joint Resolution No. 672** -- Memorials, Professional Achievement - James Dodson, Tennessee Art Educator of the Year. by \*McNally, \*Kyle.

**Senate Joint Resolution No. 673** -- Memorials, Academic Achievement - Keith O'Bryan Morton, Valedictorian, Clarksville High School. by \*Kurita.

**Senate Joint Resolution No. 674** -- Memorials, Academic Achievement - Melissa Mahoney, 1998 Valedictorian, Kenwood High School. by \*Kurita.

**Senate Joint Resolution No. 675** -- Memorials, Academic Achievement - Michael Vogeler, 1998 Salutatorian, Kenwood High School. by \*Kurita.

**Senate Joint Resolution No. 676** -- Memorials, Academic Achievement - Melanie Rhea Hagewood, Valedictorian, Montgomery Central High School. by \*Kurita.

**Senate Joint Resolution No. 677** -- Memorials, Academic Achievement - Robin Davis, 1988 Salutatorian, Montgomery Central High School. by \*Kurita.

**Senate Joint Resolution No. 678** -- Memorials, Academic Achievement - Sherah Kristen Wells, 1998 Valedictorian, Northeast High School. by \*Kurita.

**Senate Joint Resolution No. 679** -- Memorials, Academic Achievement - Jonathan Sewell, Salutatorian, Northeast High School. by \*Kurita.

**Senate Joint Resolution No. 680** -- Memorials, Academic Achievement - Rafel Kalife Zornitta, 1998 Valedictorian, Northwest High School. by \*Kurita.

**Senate Joint Resolution No. 681** -- Memorials, Academic Achievement - Melissa Nelson, Salutatorian, Northwest High School. by \*Kurita.

**Senate Joint Resolution No. 682** -- Memorials, Academic Achievement - Amanda Lewis, 1998 Valedictorian, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 683** -- Memorials, Academic Achievement - Morgan Grinstead Co-valedictorian, Harpeth High School. by \*Kurita.

**Senate Joint Resolution No. 684** -- Memorials, Academic Achievement - John Bradley White, 1998 Co-valedictorian, Harpeth High School. by \*Kurita.

**Senate Joint Resolution No. 685** -- Memorials, Academic Achievement - Greg Sullivan, 1998 Salutatorian. Harpeth High School., by \*Kurita.

**Senate Joint Resolution No. 686** -- Memorials, Academic Achievement - Sarah Lyn Fuson, 1998 Valedictorian, Cheatham County Central High School. by \*Kurita.

**THURSDAY, APRIL 23, 1998 -- EIGHTY-SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 687** -- Memorials, Academic Achievement - Tiffany Summers, 1998 Valedictorian, Cheatham County Central High School. by \*Kurita.

**Senate Joint Resolution No. 688** -- Memorials, Academic Achievement - Laurie Brooke Mobley, 1998 Valedictorian, Houston County High School. by \*Kurita.

**Senate Joint Resolution No. 689** -- Memorials, Academic Achievement - Amanda Gail Booker, 1998 Salutatorian, Houston County High School. by \*Kurita.

**Senate Joint Resolution No. 690** -- Memorials, Academic Achievement - Joshua Cartwright, Salutatorian, Clarksville High School. by \*Kurita.

**Senate Joint Resolution No. 693** -- Memorials, Death - William D. Field, Sr. by \*Springer, \*Henry, \*Kurita.

**Senate Joint Resolution No. 694** -- Memorials, Academic Achievement - Christina Kimberly Vickers, 1998 Lexington High School Salutatorian. by \*Springer.

**Senate Joint Resolution No. 695** -- Memorials, Academic Achievement - Alisha Lynette Hart, 1998 Valedictorian, Lexington High School. by \*Springer.

**MESSAGE FROM THE SENATE  
April 23, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 771, 2964, 3277 and 3407; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 771** -- Teachers - Provides that agriculture education teachers be employed on 12 month contract unless teacher specifically requests ten month contract. Amends TCA Title 49, Chapter 5, Part 4. by \*Burks.

**\*Senate Bill No. 2964** -- Real Property - Reduces, from one year to 90 days, period of redemption for property sold at tax sales in any county having charter form of government. Amends TCA Title 67, Chapter 5, Part 27. by \*Gilbert, \*Atchley.

**Senate Bill No. 3277** -- Interstate Compacts - Rewrites Chickasaw Trail economic development compact. Amends TCA Title 13, Chapter 2, Part 3. by \*Wilder, \*Leatherwood.

**\*Senate Bill No. 3407** -- Municipal Government - Authorizes Thompson's Station to install and maintain traffic control signal anywhere within corporate limits. Amends TCA Section 6-2-201. by \*Jordan.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 342. The Senate concurred in House Amendment(s) No(s). 1, 2, 3, 6 and 8 and nonconcurred in House Amendment(s) No(s). 7 and 9.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3154. The Senate lifted the tabling motion; reconsidered passage; adopted Amendment No. 2; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 23, 1998**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2076, 2096, 2183, 2184, 2185, 2186, 2244, 2453, 2732, 2733, 2867, 2957, 3001, 3009, 3392, 3402, 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 586, 2089, 2106, 2132, 2134, 2135, 2256, 2727, 2877, 3007, 3048, 3178, 3203, 3244, 3247, 3249, 3254 and 3310; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 23, 1998**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2607, 2784, 3082, 3305, 3386, 3420, 3424, 3425 and 3426, also, House Joint Resolution(s) No(s). 319, 651, 692, 737, 741, 742, 743, 748, 749, 750, 751, 752, 754, 755, 756, 758, 759, 760, 761 and 762.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 23, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2662, 2718, 2799, 2916, 2926, 3003, 3167, 3364, 3391, 3400, 3401, 3404, 3405 and 3406, also, House Joint Resolution(s) No(s). 568, 575, 581, 676, 678, 680, 681, 686, 688, 689, 690, 693, 695 and 731; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 23, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2299; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 10:00 a.m., Tuesday, April 28, 1998.